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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ROBERT ALLEN STANARD,

9 Plaintiff,

10 v.

11 MARIA DY, *et al.*,

12 Defendants.

Case No. C19-1400-RSM

ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME

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14 This matter comes before the Court on Plaintiff's Motion for Extension of Time, Dkt.
15 #66, filed on July 29, 2024. The Court has determined that it can rule on the Motion without
16 responsive briefing. For the following reasons, Plaintiff's Motion is DENIED.

17 On April 5, 2024, Defendants filed a Motion to Dismiss, noted for May 10, 2024. Dkt.
18 #52. Defendants filed a Reply by the noting date, Dkt. #53, but Plaintiff failed to file a Response
19 by May 6, 2024, per the prior local civil rule LCR 7(d)(3). However, on May 21, 2024, Plaintiff
20 filed a Motion for Summary Judgment but did not respond to Defendant's Motion before the
21 deadline. Dkt. #54. On May 22, 2024, by Minute Order, this Court directed Plaintiff to file a
22 response to Defendant's Motion to Dismiss by June 6, 2024.

23 On June 10, 2024 (though the mailing date appears to be by June 6, 2024), Plaintiff filed
24 a Motion for Extension of Time, noted for June 24, 2024. Dkt. #58. Plaintiff states that he was

1 unable to meet the Court's deadline of June 6 because he did not receive the Court's Order by
2 mail until May 30, 2024, was involved in a recent vehicle roll-over accident, and that he "did not
3 respond [to] the Defendants['] Motion to Dismiss because the Plaintiff knew nothing or what his
4 next steps were or when he was supposed to file what next." *Id.* at 2. Defendants consented to
5 an extension, Dkt. #60, and the Court found good cause to grant Plaintiff an extension until July
6 5, 2024. Dkt. #61.

7 On July 5, 2024 (mailing date appears to be July 2, 2024), Plaintiff filed a second Motion
8 for Extension of Time. Dkt. #62. Plaintiff reasoned that the complexity of the case, his lack of
9 knowledge, and mental health issues delayed his nearly completed Response, but he "believe[d]
10 that this extension, if granted, would be the final one" to submit his Response. *Id.* Defendant,
11 again, did not oppose. Dkt. #63. This Court, again, granted Plaintiff's extension request until
12 July 26, 2024, notifying Plaintiff that because "Defendants' Motion was filed over three months
13 ago and this is Plaintiff's second extension request at the last moment, barring extreme
14 circumstances, the Court is not inclined to grant Plaintiff any further extensions." Dkt. #64 at 2.

15 On July 29, 2024 (mailing date of July 25), Plaintiff filed a third Motion for Extension of
16 Time. Dkt. #66. Plaintiff requests a 90-day extension to file his Response because the prisoner
17 who helped him file his Complaint has been unavailable due to a lockdown, and Plaintiff has not
18 had ample access to the law library to do research. *Id.* at 1-2.

19 "A motion for relief from a deadline should, whenever possible, be filed sufficiently in
20 advance of the deadline to allow the court to rule on the motion prior to the deadline," LCR 7(j),
21 and a motion for relief should be granted where "good cause" exists. *See Allstate Indem. Co. v.*
22 *Lindquist*, No. C20-1508JLR, 2022 WL 1443676, at *2 (W.D. Wash. May 6, 2022). When
23 seeking an extension, the good cause standard primarily considers the diligence of the party
24 seeking the extension. *Id.*

1 Plaintiff has not engaged with the good cause standard. Plaintiff's failure to respond to
2 Defendants' Motion and filing of three Motions for Extension of Time at the last possible
3 moment do not demonstrate diligence in this case. Plaintiff, through Court direction and two
4 extensions, has had ample time to file a Response. The Court finds that Plaintiff has failed to
5 demonstrate diligence in seeking this relief or good cause to request it for yet a third time.

6 Accordingly, having considered the Motion and the remainder of the record, the Court
7 hereby finds and ORDERS that Plaintiff's Motion for Extension of Time, Dkt. #66, is DENIED.
8 The Court shall consider Defendants' Motion to Dismiss, Dkt. #52, with the current filings.

9 DATED this 31st day of July, 2024.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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